

EXHIBIT 46

In The Matter Of:

IN RE SEPTEMBER 11 LITIGATION

HEMSLEY MYLES

November 6, 2007

CONFIDENTIAL

TC REPORTING in affiliation with Merrill Corp.

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MYLES HEMSLEY - Vol. 1

09:32:35 1 HEMSLEY MYLES - CONFIDENTIAL

09:32:39 2 Q. Were you taught in that training that
09:32:42 3 serrated blades on knives were in fact menacing or were
09:32:43 4 to be treated as menacing blades, irrespective of the
09:32:44 5 length of a blade?

09:32:48 6 A. Yes.

09:32:52 7 Q. Were you taught that pepper spray and mace
09:32:55 8 were both prohibited items as potential weapons and
09:32:56 9 hazardous items and, therefore, were not permitted
09:33:06 10 onboard airplanes?

09:33:09 11 A. Yes.

09:33:19 12 Q. In your 40 hours of on-the-job training at
09:33:21 13 Globe, were you tested at the x-ray machines for
09:33:22 14 objects, test objects?

09:33:27 15 A. Yes.

09:33:32 16 Q. And were you instructed on how to detect
09:33:36 17 items that would be prohibited like box cutters --
09:33:39 18 well, let me strike that. I didn't ask you about box
09:33:42 19 cutters. Were you trained in 1998 that box cutters
09:33:43 20 were prohibited items and were not to be allowed
09:33:44 21 onboard planes?

09:33:45 22 A. Yes.

09:33:49 23 Q. When you went through your on-the-job
24 training, did you receive training to detect items such
25 as box cutters and knives that were either four inches

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09:33:58 2 or greater or menacing and pepper spray, through the
09:33:59 3 x-ray machine?

09:34:01 4 A. Yes.

09:34:05 5 Q. Were you taught in your on-the-job
09:34:09 6 training how to look out for and detect those same
09:34:12 7 items, box cutters, knives, and pepper spray, in the
09:34:13 8 process of working the magnetometers?

09:34:15 9 A. Yes.

09:34:20 10 Q. And were you taught how to detect items
09:34:22 11 like box cutters, knives, and pepper spray in the hand
09:34:23 12 wandling procedures?

09:34:25 13 A. Yes.

09:34:29 14 Q. And in your training for Globe, did you --
09:34:34 15 were you taught how to do the -- a continuous baggage
09:34:35 16 search of items bagged -- carry-on bags coming through
09:34:36 17 the x-ray machines?

09:34:37 18 A. Yes.

09:34:44 19 Q. And tell me what that means to do a
09:34:48 20 continuous baggage check at the x-ray machine.

09:34:51 21 A. We continue doing bag checks, one after
09:34:53 22 the other. As soon as you get through with one, you
09:34:56 23 continue doing the other bag check, frequently.

24 Q. Even if the -- the alarms are not set off
25 by the x-ray machine, you're to continuously and

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10:48:09 2 A. It's safe?

10:48:10 3 Q. Yes. Can you identify what that is?

10:48:11 4 MR. CONNORS: It's a safe hazardous

10:48:14 5 material.

10:48:16 6 Q. It's safe if you don't push the button.

10:48:20 7 A. Right.

10:48:21 8 MR. CONNORS: Or point it at your counsel.

10:48:23 9 Q. That's right. But, preferably, that is

10:48:25 10 the direction to point. Do you know what that is?

10:48:29 11 A. Yes. This is a -- pepper spray.

10:48:30 12 Q. Okay. On September 11th, 2001, was that

10:48:31 13 an obvious threat?

10:48:32 14 MR. CONNORS: Objection to form.

10:48:33 15 A. Yes.

10:48:33 16 Q. Based on your training?

10:48:35 17 A. Yes.

10:48:40 18 Q. On September 11th, 2001, was that an

10:48:40 19 object that was detectable by x-ray?

10:48:42 20 A. Yes.

10:48:44 21 MR. CONNORS: Objection to form.

10:48:47 22 Q. September 11th, 2001, was that an object

10:48:50 23 that was detectable by x-ray -- I'm sorry, by

24 magnetometer?

25 COUNSEL: Objection.

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10:48:53 2 MR. CONNORS: Again, objection to form.

10:48:54 3 MR. MIGLIORI: I can note your objection
10:48:54 4 because I'm going to do this string like I always do.

10:48:55 5 MR. CONNORS: Yes.

10:48:57 6 MR. MIGLIORI: I'll accept your objection
10:48:57 7 for all of them. Yes.

10:48:59 8 BY MR. MIGLIORI:

10:49:02 9 Q. On September 11th, 2001, was that an
10:49:02 10 object that was detectable by hand wand?

10:49:04 11 A. Yes.

10:49:09 12 Q. On September 11th, 2001, was that an
10:49:10 13 object that was detectable by physical search?

10:49:12 14 A. Yes.

10:49:15 15 Q. And on September 11th, 2001, that was an
10:49:17 16 item that was not to be allowed into the sterile area
10:49:18 17 of Logan Airport, correct?

10:49:21 18 A. Yes.

10:49:25 19 Q. And if that were in fact onboard a plane
10:49:29 20 that boarded through Terminal B checkpoint, that would
10:49:30 21 have been a violation of the obligations at that
10:49:31 22 checkpoint, correct?

10:49:32 23 MR. CONNORS: Objection.

24 Q. A violation by the preboard screeners,
25 correct?

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10:50:19 2 and if you want to pick it up, you can.

10:50:21 3 MR. CONNORS: You can pick it up.

10:50:24 4 Q. First of all, how would you measure this
10:50:27 5 blade to determine whether or not it was four inches or
10:50:30 6 greater while at the checkpoint?

10:50:34 7 A. From the blade to here (indicating).

10:50:39 8 Q. And how would you actually do that, when
10:50:41 9 you were at the checkpoint?

10:50:45 10 A. We normally go by -- by the measurement,
10:50:46 11 and we already see the length, and we can calculate how
10:50:48 12 much is the length.

10:50:54 13 Q. Okay. Did -- did you ever compare the
10:50:56 14 size of a blade of a knife to your badge to determine
10:50:56 15 if it was four inches or more?

10:50:57 16 A. Yes.

10:50:59 17 Q. What did --

10:51:02 18 A. The bottom part of the badge, yes.

10:51:05 19 Q. Yes. So, it was -- it was a regular
10:51:07 20 custom and practice to use the badge as a 4-inch guide;
10:51:07 21 is that true?

10:51:11 22 A. Yes.

10:51:15 23 Q. And if you were to compare that, that
24 would probably be under -- well, strike that. Of what
25 length is that blade, if you can tell right now?

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10:51:23 2 A. Three inches.

10:51:23 3 Q. Okay. Does that have a serrated edge?

10:51:26 4 A. Yes.

10:51:27 5 Q. Now that it's open, would you agree with

10:51:30 6 me that that -- on September 11th, 2001, that would

10:51:30 7 have been a prohibited item?

10:51:33 8 A. Yes.

10:51:33 9 Q. Because it's menacing and has a serrated

10:51:34 10 blade?

10:51:37 11 A. Yes.

10:51:39 12 Q. And if you were shown that object in your

10:51:40 13 recurrent testing, would that have been an obvious

10:51:42 14 threat?

10:51:42 15 A. Yes.

10:51:45 16 MR. CONNORS: Objection to form.

10:51:47 17 Q. On September 11th, 2001, was that an item

10:51:49 18 that was detectable by x-ray machine?

10:51:50 19 MR. CONNORS: And just for clarification,

10:51:50 20 it's that whole line of questions --

10:51:51 21 MR. MIGLIORI: Yes.

10:51:52 22 MR. CONNORS: -- that you accept our

10:51:53 23 objection to form?

24 MR. MIGLIORI: Absolutely. Absolutely.

25 BY MR. MIGLIORI:

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10:51:58 2 Q. On September 11th, 2001, was that an item
10:51:58 3 that was detectable by magnetometer?

10:52:01 4 A. Yes.

10:52:04 5 Q. Was that an item that was detectable in
10:52:05 6 September of 2001, by hand wand and physical bag
10:52:06 7 search?

10:52:08 8 A. Yes.

10:52:12 9 Q. If that item got into the sterile area of
10:52:15 10 Logan Airport on September 11th, 2001 and onboard
10:52:18 11 Flight 11, would that have been a violation of the
10:52:19 12 checkpoint security rules and regulations?

10:52:20 13 MR. CONNORS: Objection to form.

10:52:25 14 MR. MORYAN: Objection.

10:52:31 15 A. Yes.

10:52:31 16 Q. I show you Exhibit 19.

10:52:34 17 MR. CONNORS: Nineteen?

10:52:38 18 MR. MIGLIORI: Nineteen.

10:52:38 19 Q. If you can tell me, what is Exhibit 19?

10:52:41 20 A. A box cutter.

10:52:46 21 Q. On September 11th, 2001, was that box
10:52:46 22 cutter an obvious threat, according to your training?

10:52:47 23 MR. MORYAN: Objection.

24 A. Yes.

25 Q. On September 11th, 2001, was that box

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10:52:54 2 cutter a prohibited item?

10:52:55 3 MR. MORYAN: Objection.

10:52:58 4 A. Yes.

10:53:01 5 Q. On September 11th, 2001, was that item

10:53:02 6 detectable by x-ray and magnetometer?

10:53:03 7 MR. MORYAN: Objection.

10:53:05 8 A. Yes.

10:53:09 9 Q. On September 11th, 2001, was that item

10:53:09 10 detectable by hand wand and physical search?

10:53:11 11 MR. MORYAN: Objection.

10:53:16 12 A. Yes.

10:53:20 13 Q. And if that item got into the Terminal B

10:53:23 14 sterile area and onboard Flight 11 on September 11th,

10:53:27 15 2001, would that have been a violation of the

10:53:28 16 checkpoint security regulations, as you were trained?

10:53:28 17 MR. MORYAN: Objection.

10:53:30 18 MR. CONNORS: Objection to form.

10:53:40 19 A. Yes.

10:53:42 20 Q. I show you two more. This is Exhibit 20.

10:53:43 21 Are you familiar with that object?

10:53:44 22 A. Yes.

10:53:45 23 Q. What is that?

24 A. A box cutter.

25 Q. And is that -- do you want me to close

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10:53:54 2 that knife or --

10:53:56 3 MR. MIGLIORI: What number was that one?

10:53:56 4 Twenty?

10:53:56 5 MR. CONNORS: Twenty.

10:53:57 6 A. Twenty.

10:53:59 7 BY MR. MIGLIORI:

10:54:03 8 Q. On September 11th, 2001, was that box

10:54:05 9 cutter, Exhibit 20, a prohibited item?

10:54:07 10 A. Yes.

10:54:09 11 Q. On September 11th, 2001, would that have

10:54:11 12 been considered an obvious threat under your training

10:54:12 13 with Globe security?

10:54:12 14 A. Yes.

10:54:14 15 MR. MORYAN: Objection.

10:54:19 16 Q. On September 11th, 2001, was that an item

10:54:19 17 that was detectable by magnetometer and x-ray?

10:54:19 18 MR. MORYAN: Objection.

10:54:22 19 A. Yes.

10:54:25 20 Q. On September 11th, 2001, was that item

10:54:25 21 detectable by hand wand and physical search?

10:54:26 22 MR. MORYAN: Objection.

10:54:28 23 A. Yes.

24 Q. If that item got through to the sterile

25 area in Terminal B and onboard Flight 11, would that

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10:54:37 2 have been a violation of the security regulations, as

10:54:38 3 you were trained to enforce?

10:54:39 4 MR. CONNORS: Objection.

10:54:40 5 MR. MORYAN: Objection.

10:54:44 6 A. Yes.

10:54:48 7 Q. And isn't it true that the fact that it's

10:54:52 8 a box cutter alone, irrespective of the length of the

10:54:53 9 blade, makes that a prohibited item?

10:54:55 10 MR. MORYAN: Objection.

10:54:59 11 A. Yes.

10:55:01 12 Q. Finally, this is Exhibit 34. Have you

10:55:02 13 ever seen an item like that?

10:55:10 14 A. Yes.

10:55:12 15 Q. Do you know what that is called?

10:55:14 16 A. At the moment, I don't remember the name,

10:55:15 17 but I -- I do know it sure. Yeah, yeah.

10:55:19 18 Q. It's familiar. Have you ever heard of

10:55:21 19 the -- the term a "Leatherman"?

10:55:22 20 A. Yes.

10:55:23 21 Q. Is that a Leatherman, as you understand

10:55:23 22 it?

10:55:27 23 A. Mm-hmm.

24 Q. A Leatherman tool? That has lots of

25 things to open, and --

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10:55:31 2 A. Yes.

10:55:33 3 Q. -- if you're comfortable doing it,

10:55:34 4 otherwise, I'll open it.

10:55:34 5 MR. CONNORS: Why don't you open the one

10:55:34 6 that you have.

10:55:34 7 MR. MIGLIORI: Okay.

10:55:34 8 MR. CONNORS: Concerned with.

10:55:37 9 BY MR. MIGLIORI:

10:55:39 10 Q. Do you know just by looking at this object

10:55:44 11 before opening anything, whether this was a prohibited

10:55:45 12 item on September 11th, 2001? Was that permitted?

10:55:47 13 A. No.

10:55:50 14 Q. Okay. It was not permitted?

10:55:52 15 A. No.

10:55:55 16 Q. I usually give this to somebody sitting

10:56:00 17 next to me so I don't have to open it, but I think I'm

10:56:02 18 feeling brave today. Again, this is Exhibit 34. I'm

10:56:07 19 just going to lay it on the table because I don't want

10:56:09 20 to pass this, but -- well, okay. Does that in fact

10:56:10 21 have a blade that -- with a serrated edge?

10:56:12 22 A. Yes.

10:56:15 23 Q. And that serrated edge is less than

24 three inches -- sorry, less than four inches?

25 A. Yes.

10:58:20 1 HEMSLEY MYLES - CONFIDENTIAL

10:58:22 2 Q. And that was around October of 2002?

10:58:27 3 A. At the moment, I don't -- can't recall.

10:58:30 4 Q. Okay. In the entire period of time that

10:58:34 5 you worked as a preboard screener, whether for

10:58:39 6 Service Master or Globe, did you in fact come across

10:58:40 7 box cutters that you had to confiscate -- confiscate?

10:58:42 8 A. Yes.

10:58:47 9 Q. During that period of time, did you come

10:58:48 10 across items like the Leatherman tool that we showed

10:58:49 11 you?

10:58:51 12 A. Yes.

10:58:54 13 Q. And that's something that -- that when you

10:58:57 14 came across it, you confiscated and contacted your CSS?

10:59:00 15 A. Yes. I held it in the screener. I called

10:59:01 16 for -- for the CSS, and she'd come over.

10:59:02 17 Q. And prior to September 11th --

10:59:04 18 A. Or he'd come over.

10:59:07 19 Q. Okay. I'm sorry. And during that period

10:59:11 20 of time, prior to September 11th, 2001, did you come

10:59:16 21 across knives less than four inches long, but with

10:59:18 22 serrated edges that you confiscated?

10:59:20 23 A. Yes.

24 Q. So, the items that I showed you today

25 are -- are items that were common enough for you to

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10:59:33 2 have been familiar with at the checkpoint as of
10:59:34 3 September 11th, 2001, correct?

10:59:37 4 A. Yes.

10:59:39 5 MR. CONNORS: Objection to form.

10:59:42 6 Q. After September 11th, 2001, do you
10:59:49 7 remember having any conversations with your coworkers
10:59:53 8 or supervisors about what was going on or what possibly
10:59:54 9 was going on that morning at the checkpoint?

10:59:56 10 A. No.

11:00:01 11 Q. Did you hear any suspicion or rumors or
11:00:02 12 conjecture about how it is that items may have gotten
11:00:03 13 onboard that plane?

11:00:07 14 A. No.

11:00:12 15 Q. Had you heard from anybody at Globe or at
11:00:16 16 American Airlines or at Massport, that they felt that
11:00:19 17 one of those companies had some responsibility for
11:00:20 18 letting items get onboard planes?

11:00:21 19 MR. CONNORS: Objection to form.

11:00:23 20 A. No.

11:00:32 21 Q. Did you hear anything about how things
11:00:34 22 were -- were less than satisfactory at the checkpoints
11:00:34 23 in the summer of 2001 --

24 MR. MORYAN: Objection.

25 A. No.